

House Bill 1003 (AS PASSED HOUSE AND SENATE)

By: Representatives Talton of the 145th, O'Neal of the 146th, Floyd of the 147th, and Ray of the 136th

A BILL TO BE ENTITLED

AN ACT

To amend an Act entitled "An Act to make provisions for the Magistrate Court of Houston County," approved March 1, 1984 (Ga. L. 1984, p. 3652), as amended, so as to provide for the election of the chief magistrate and magistrates; to provide for procedures; to provide for qualifications; to provide that the chief magistrate shall be a full-time magistrate; to authorize assistant magistrates; to provide for the filling of vacancies; to provide for the submission of this Act to the United States Department of Justice; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act entitled "An Act to make provisions for the Magistrate Court of Houston County," approved March 1, 1984 (Ga. L. 1984, p. 3652), as amended, is amended by striking Sections 1 and 2 of said Act and inserting in lieu thereof the following:

"SECTION 1.

The chief magistrate of Houston County shall be elected in the same manner as the judges of the State Court of Houston County. The first such election shall take place at the time of the general election in 2008, and the chief magistrate and magistrates elected at such time shall take office on January 1, 2009, for terms of four years and until their successors are duly elected and qualified. The chief magistrate and magistrates serving on the effective date of this Act shall serve through December 31, 2008. The chief magistrate elected as provided in this section shall be a member in good standing of the State Bar of Georgia, shall be a full-time magistrate, and shall devote his or her full time to the duties of the office. The chief magistrate shall be authorized to employ one or more assistant magistrates.

SECTION 2.

A vacancy in the office of chief magistrate shall be filled by an appointment by majority vote of the judges of superior court for the remainder of the unexpired term. A vacancy in the office of any other magistrate shall be filled by an appointment by the chief magistrate with the consent of the judges of superior court for the remainder of the unexpired term. A newly created position of magistrate shall be filled in the same manner as for filling a vacancy if such position is created more than 90 days from the next general election."

SECTION 2.

The governing authority of Houston County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.